



DEP LREF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT & TRADEMARK OFFICE

2005 AUG 16 PM 4:22

US PATENT & TRADEMARK OFFICE

Appl. No. : 09/424,210  
Applicant : Jon TSCHUDI  
Filed : November 22, 1999  
TC/A.U. : 2623  
Examiner : Colin M. Larose

Docket No. : 2800-107  
Customer No. : 6449  
Confirmation No. : 7676

REQUEST FOR REFUND

MS - AF

Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

(1) On January 15, 2004, the Examiner mailed his Answer in response to Applicant's Appeal Brief filed on October 22, 2003.

(2) On March 15, 2004, Applicant filed his reply to the Examiner's Answer along with a Request For Oral Hearing, and the requisite fee for an Oral Hearing. A copy of the fee transmittal and the check stub for the oral hearing fee are attached.

(3) On February 1, 2005, the Board issued its Order Returning Undocketed Appeal to the Examiner citing deficiencies in the Examiner's Answer and ordering that the Examiner submit a Supplemental Examiner's Answer.

(4) On March 22, 2005, the Examiner mailed his Supplemental Examiner's Answer.

(5) On May 20, 2005, applicant replied to the Supplemental Examiner's Answer. Because the Supplemental Examiner's Answer was substantively the same as the original Examiner's Answer, applicants' reply merely referred the Board to the Reply filed on March 15, 2004 in response to the original Answer. Furthermore, applicant confirmed his Request For Oral Hearing for which he had already paid the fee on March 15, 2004.

(6) It has now come to applicant's attention that the deposit account of applicant's attorney was charged \$1,000 for the Oral Hearing Fee. Applicant believes the charge was improper as applicant had already made a timely request and payment for the oral hearing on

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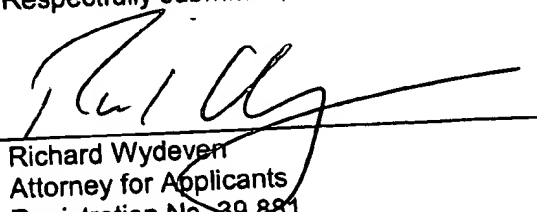
Appln No. 09/424,210  
Request for Refund dated August 15, 2005

March 15, 2004. The Communication mailed on May 20, 2005 was merely a reply to a Supplemental Examiner's Answer and a confirmation of the Request For Oral Hearing that had already been made and paid for on March 15, 2004.

Accordingly, applicant respectfully requests that a refund be made to Deposit Account 02-2135 in the amount of \$1,000.00.

Respectfully submitted,

By

  
Richard Wydeven  
Attorney for Applicants  
Registration No. 39,881  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
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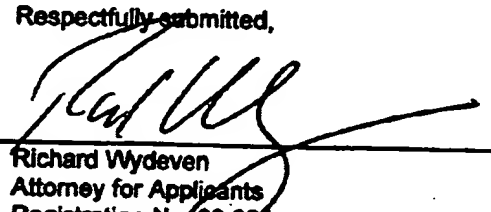
REPLY TO SUPPLEMENTAL EXAMINER'S ANSWER AND  
CONFIRMATION OF REQUEST FOR ORAL HEARING

MS - AF  
Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

As a reply to the Supplemental Examiner's Answer mailed March 22, 2005, applicant refers the Board of Appeals to the Reply filed March 15, 2004 in response to the original Examiner's Answer mailed January 15, 2004. Applicant further confirms the Request for Oral Hearing, originally filed, along with the requisite fee therefor, on March 15, 2004.

Respectfully submitted,

By

  
Richard Wydeven  
Attorney for Applicants  
Registration No. 39,881  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
Suite 800, 1425 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202)783-6040

Date: May 20, 2005.

*AF*  
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*Fee Charge*  
*BP 924/05*

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**FEE TRANSMITTAL  
for FY 2003  
(Large Entity)**



Complete if Known

Application Number	09/424,210
Filing Date	November 22, 1999
First Named Inventor	J. TSCHUDI
Group Art Unit	2623
Examiner Name	Colin M. Larose
Attorney Docket Number	2800-107
Customer No.	6449

Total Amount of Payment (\$290.00)

Confirmation No. 7676

**METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status

2. ☒ Payment Enclosed

☒ Check

☐ Credit Card

**FEE CALCULATION**

**1. FILING FEE**

Fee Code	Fee \$	Fee Description	Fee Paid
1001	770	Utility filing fee	[ ]
1002	340	Design Filing Fee	[ ]
1003	530	Plant Filing Fee	[ ]
1004	770	Reissue Filing Fee	[ ]
1005	160	Provisional Filing Fee	[ ]

**SUBTOTAL \$**

**2. CLAIMS**

	Extra Claims	Fee	Fee
Paid			
Total Claims	[ ] - 20** = [ ]	x \$18 = [ ]	
Independent Claims	[ ] - 3** = [ ]	x 86 = [ ]	
Multiple Dependent Claims	+	290 = [ ]	

\*\*or number previously paid, if greater;

**SUBTOTAL \$**

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Fee Code	Fee Paid	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	[ ]
1052	50	Surcharge - late provisional filing fee or cover sheet	[ ]
1053	130	Non-English specification	[ ]
1812	2,520	For filing a request for reexamination	[ ]
1804	920	Requesting publication of SIR prior to Examiner action	[ ]
1804	1,840*	Requesting publication of SIR after Examiner action	[ ]
1251	110	Extension for reply within first month	[ ]
1252	420	Extension for reply within second month	[ ]
1253	950	Extension for reply within third month	[ ]
1254	1,480	Extension for reply within fourth month	[ ]
1255	2,010	Extension for reply within fifth month	[ ]
1401	330	Notice of Appeal	[ ]
1402	330	Filing a brief in support of an appeal	[ ]
1403	290	Request for Oral Hearing	[290.00]
1451	1,510	Petition to institute a public use proceeding	[ ]
1452	110	Petition to revive -unavoidable	[ ]
1453	1,330	Petition to revive - unintentional	[ ]
1501	1,330	Utility issue fee (or reissue)	[ ]
1502	480	Design issue fee	[ ]
1503	640	Plant issue fee	[ ]
1460	130	Petitions to the Commissioner	[ ]
1807	50	Processing fee under 37 CFR 1.17(q)	[ ]
1806	180	Submission of Information Disclosure Statement	[ ]
8021	40	Recording each patent assignment per property (times number of properties)	[ ]
1809	770	Filing a submission after final rejection (37 CFR .129(a))	[ ]
1810	770	For each additional invention to be examined (37 CFR 1.129(b))	[ ]
1801	770	Request for Continued Examination (RCE)	[ ]
1802	900	Request for expedited examination of a design application	[ ]
1504	300	Publication fee for early, voluntary, or normal publication	[ ]
1505	300	Publication fee for republication	[ ]
1455	200	Filing application for patent term adjustment	[ ]
1456	400	Request for reinstatement of term reduced	[ ]
Other fee (specify)			[ ]

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL \$290.00**

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Richard Wydeven, Reg. No. 39,881		
SIGNATURE	DATE	DEP ACCT USER ID	02-2135

**COPY**

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.

31689

INVOICE	DATE	DESCRIPTION	NET
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03/15/2004 2800-107 MF  
31689

290.00

Request for Oral Hearing

Date 03/15/2004 COMMISSIONER OF PATENTS & TRADEMARKS

\$290.00

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